

## WASHINGTON COUNTY BOARD OF EDUCATION ETHICS REGULATIONS

### I. Purpose

For the purpose of guarding against improper influence, Administrative Regulation BBFE-R requires certain school officials to disclose their financial affairs and sets minimum standards for their conduct of school system business.

### II. Background

Confidence and trust are eroded when the conduct of public business is subject to improper influence. The Board of Education, recognizing that the system of representative government is dependent upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.

This administrative regulation applies to members of the Board of Education, candidates to be members of the Board of Education, school officials, and employees of Washington County Public Schools (WCPS).

### III. Definitions

Within the context of this administrative regulation, the following definitions apply:

- A. Board or Board of Education: The seven (7) members of the Board of Education of Washington County.
- B. Business entity:
  - 1. A corporation, general or limited partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
  - 2. Business entity does not include a governmental entity.
- C. Compensation:
  - 1. Any money or thing of value, regardless of form, received or to be received by any individual covered by these regulations from an employer for service rendered.
  - 2. For the purposes of Section IV.E of these regulations, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
- D. Designated second home: If an individual with a principal home also owns another home (a home where an individual does not live most of the time) the second home must be disclosed on Financial Disclosure Form A. If the individual owns more than one second home, the individual must designate which second home is the designed second home.

- E. Doing business with:
1. Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$100.00 or more of school system funds;
  2. Being subject to the authority of the school system; or
  3. Being registered as a lobbyist under Section IV.E of these regulations.
- F. Employee: An employee of the Board of Education or WCPS.
- G. Financial interest:
1. Ownership of any interest as the result of which the owner has received within the past 3 (three) years or is presently receiving, or in the future is entitled to receive, more than \$1,000.00 per year; or
  2. Ownership or the ownership of securities of any kind representing or convertible into ownership, of more than three (3) percent of a business entity by an official or the spouse of an official.
- H. Gift:
1. The transfer of anything of economic value, regardless of form, without adequate and lawful consideration; and
  2. Does not include a contributions as defined in Election Law Article, *Annotated Code Maryland*.
- I. Good Faith: To proceed in a manner which is fair, reasonable, and just.
- J. Home address: The address of an individuals'
1. Principal home; and
  2. Designated second home, if any.
- K. Immediate family: A spouse and dependent children.
- L. Interest:
1. A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
  2. For the purposes of these regulations, "interest" includes any interest held at any time during the reporting period.
  3. "Interest" does **not** include:
    - (a) An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
    - (b) An interest in a time or demand deposit in a financial institution;

- (c) An interest in an insurance policy, endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
- (d) A common trust fund or a trust fund which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code; or
- (e) A college savings plan under the Internal Revenue Code; or
- (f) A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the school system.

M. Lobbying:

- 1. Communicating in the presence of an official with the intent to influence any official action of that official; and
- 2. Spending over \$500.00 for food, entertainment or other gifts during the calendar year in connection with the communication or intent to influence; or
- 3. Engaging in activities having the express purpose of soliciting others to communicate with an official with the intent to influence that official; and
- 4. Spending over \$500.00 in connection with the activities or intent to influence.

N. Lobbyist: A person required to register and report expenses related to lobbying under Section VI.E of these regulations.

O. Member of the Board: One of seven (7) members of the Board of Education of Washington County.

P. Official: A member of the Board of Education, an employee of the school system or Board of Education, and the Superintendent.

Q. Panel: Washington County Board of Education Ethics Advisory Panel established under Section IV.A of these regulations.

R. Person: An individual or business entity.

S. Principal home: The sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual. This is the home where you ordinarily live most of the time.

T. Qualified relative: A spouse, parent, child, or sibling.

U. Quasi-governmental entity: An entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

V. Real property: Land, and generally whatever is erected or growing upon or affixed to land.

W. School system: The educational system under the authority of the Washington County Board of Education.

#### IV. Policy Statement/Procedures

##### A. Ethics Advisory Panel

###### 1. Membership

- a. There is a Washington County Board of Education Ethics Advisory Panel ("Panel") that consists of five (5) members appointed by the Board of Education. The Panel serves in an advisory capacity to the Board of Education.
- b. Members of the Panel shall:
  - (1) Be residents of Washington County; and
  - (2) Not be members of the Board of Education, subject to its control, an employee, employed by a business entity subject to the authority of the Board of Education, or the spouse of such members.
- c. Whenever possible, one (1) of the voting members should be an attorney licensed to practice law in the State of Maryland, or a paralegal, or law school professor.
- d. A member of the Panel shall be replaced by death, resignation, and/or a majority vote by the members of the Board of Education.
- e. Term of Membership
  - (1) Members shall serve for overlapping terms of five (5) years or until their successors are appointed. A member whose term is expiring may apply for reappointment and be considered along with other interested candidates. A vacancy for an unexpired term shall be filled in the same manner as the original appointment.
  - (2) The terms of the initial appointees to the Panel shall be staggered. One member shall be appointed for one (1) year; one member for two (2) years; one member for three (3) years; one member for four (4) years; and one member for five (5) years.

###### 2. Liability, Compensation, and Legal Representation

- a. The members will be insulated from any personal, civil liability for their individual or joint actions while performing their duties as Panel members provided all acts and duties are performed in "good faith" in arriving at any Panel decision.
- b. Members of the Panel shall receive no compensation for their services except reasonable and necessary expenses as may be provided in the budget.
- c. The Panel shall be assisted in carrying out its responsibilities by the Board of Education Attorney.

###### 3. Responsibilities of the Ethics Advisory Panel

- a. The Ethics Advisory Panel shall:
  - (1) Select a Panel member to serve as the chair of the Panel;
  - (2) Devise, receive, and maintain all forms required by these regulations;

- (3) Provide advisory opinions to persons subject to these regulations regarding the applicability of these provisions to them. Copies of these advisory opinions shall be made available to the public in accordance with applicable state law regarding public records. However, the identity of the subject or other information that might reveal the identity of the subject will be redacted;
- (4) Review, process, make determinations, and, if necessary, conduct a hearing on advice of the Board of Education's Attorney (or other legal counsel if appropriate), of any complaint filed regarding an alleged violation of these regulations by any person;
- (5) Refer findings regarding complaints and other enforcement matters to the Board of Education; and
- (6) Conduct, with the guidance of the Board of Education Attorney, an information program regarding the purposes and application of the ethics policy and these regulations.

#### 4. Rules of Procedure

- a. A majority vote of the Panel consists of three (3) or more votes.
- b. A quorum consists of three (3) members present. Any action taken by the Panel requires at least three (3) votes.
- c. The Panel shall adopt rules for the transaction of its business.
- d. The Panel shall keep on file the minutes of its proceedings.
- e. All Panel actions and decisions shall be in writing.
- f. All documents related to the official duties of the Panel will be kept in the custody of the Board of Education Attorney.

#### 5. Processing of Complaints—Step-by-Step Process

- a. A person, who in good faith believes that an individual has violated the requirements of the ethics policy, is to submit an allegation of a violation of the ethics policy, in writing and under oath, to any member of the Panel. (see Exhibit BBFE-E(1)) Such an allegation will be referred to as an ethics complaint. The Panel will not consider an anonymous ethics complaint.
- b. Upon receipt of a written ethics complaint, the Panel member is to provide a copy to the Board of Education Attorney assigned to the Panel who will arrange for a copy to be provided to all members of the Panel and to the Superintendent of Schools.
- c. The person who files an ethics complaint will be referred to as the complainant and the person who is the subject of the ethics complaint will be referred to as the respondent.
- d. After a complaint is filed:
  - (1) The proceedings, meetings, and activities of the Panel and its representatives relating to the complaint are strictly confidential and shall not be disclosed unless such disclosure is specifically authorized by these regulations.

- (2) Unless specifically authorized by these regulations, the proceedings, meetings, and activities of the Panel and information relating to the complaint, including the identity of the complainant and respondent, are not to be disclosed by the:
  - (a) Members of the Ethics Advisory Panel;
  - (b) Representatives of the Ethics Advisory Panel;
  - (c) Superintendent of Schools;
  - (d) Complainant or the complainant's legal counsel;
  - (e) Respondent or the respondent's legal counsel; or
  - (f) Any other person who may be aware that an ethics complaint has been filed with the Panel.
- (3) The Panel may release any information at any time if the respondent agrees, in writing, to the release. In the event the Panel grants such a request, the Panel will provide the complainant and respondent with written notification of the information that will be released.
- (4) The restrictions regarding confidentiality apply unless:
  - (a) The matter is referred for prosecution; or
  - (b) The Panel finds a violation of the ethics policy.
- e. The chair of the Panel is to provide the complainant with a letter acknowledging receipt of the ethics complaint. The letter is to state that the information relating to the complaint, including the identity of the complainant and respondent, may not be disclosed by the complainant or the complainant's legal counsel. The complainant will also be informed that the respondent will be provided with a copy of the complaint submitted by the complainant. The complainant is to be provided with a copy of the Board of Education's ethics policy and administrative regulation.
- f. The chair of the Panel is to provide the respondent with a letter informing the respondent that an ethics complaint has been filed. The letter to the respondent is to state that the information relating to the complaint, including the identity of the complainant or the respondent, may not be disclosed by the respondent, except to legal counsel to the respondent. The respondent is to be provided with a copy of the complaint submitted by the complainant along with a copy of the Board of Education's ethics policy and administrative regulation. The respondent, at his or her option and expense, may elect to retain legal counsel.
- g. The members of the Panel, in consultation with the Board of Education Attorney, are to review the ethics complaint and determine the following:
  - (1) Whether the Panel has jurisdiction to consider the ethics complaint; or
  - (2) Whether a review should be conducted to gather information to assist the Panel in making a decision as to whether the ethics policy has been violated; or
  - (3) Whether there is sufficient information for the Panel to allow it to issue a written determination without conducting a review;
  - (4) Whether violations alleged were inadvertent, technical, or minor, or have been cured, and, after consideration of all of the circumstances then known, further proceedings would not serve the purposes of these regulations;
  - (5) Whether for other reasons, after consideration of all the circumstances, further proceedings would not serve the purposes of these regulations; and/or

- (6) Whether the ethics complaint should be referred to another governmental agency for appropriate action.
- h. In the event an ethics complaint is filed against the Superintendent of Schools, a member of the Board of Education, or the Board Attorney, the services of outside counsel are to be retained to represent the Board of Education and the Panel with regard to such an ethics complaint.
- i. In the event the Panel determines that a review of the ethics complaint is necessary, it is to consult with the Board of Education Attorney to determine the resources that will be needed to conduct the review.
- j. The Board of Education Attorney is authorized to take the following actions:
  - (1) Upon the receipt of an ethics complaint by the Panel, inform the Superintendent of Schools and the members of the Board of Education that the Panel has received a complaint.
  - (2) Upon the determination of the Panel that a review of the ethics complaint is necessary, inform the Superintendent of Schools and the members of the Board of Education of the Panel's determination.
  - (3) Consult with the Superintendent of Schools with regard to resources that are needed by the Panel to conduct its review.
  - (4) Depending upon the nature of an ethics complaint, contact other governmental agencies regarding the ethics complaint.
  - (5) Upon the determination of the Panel that it lacks jurisdiction or that the ethics complaint should be dismissed, inform the Superintendent of Schools and the members of the Board of Education of the Panel's determination.
- k. In the event the Panel determines that it lacks jurisdiction or that the ethics complaint should be dismissed, the chair of the Panel is to issue a separate letter to the complainant and to the respondent informing each person of the Panel's decision. If the Panel issues a determination that it lacks jurisdiction or that the ethics complaint is to be dismissed, such a determination is a final decision and the Panel's file is to be closed.
- l. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint or the person likely to be impacted by the result of the complaint shall be afforded an opportunity for a hearing before the Panel.
- m. A respondent may propose a settlement or cure to the Panel prior to a hearing. If the Panel determines that the proposed settlement or cure is consistent with the purposes of this regulation, the Panel shall recommend that the Board of Education accept the proposed settlement or cure.

## 6. Hearings

For purposes of the Panel hearings, the Panel will act as the hearing examiner and conduct the hearing. For purposes of the hearing, a member of the Panel will act as hearing chairperson to conduct the hearing and provide for its efficient administration. The Panel will be advised by an attorney for the Board of Education regarding the rule on motions, objections, and issues of law.

- a. All evidence will be presented on the record and a written transcript of the hearing will be produced.
  - b. All testimony will be taken under oath and all parties will be provided with the right to cross-examine witnesses.
  - c. The Panel will have the right to request the appearance of any employee of the Board of Education and WCPS at any meeting or hearing. The Panel will have the right to inspect and/or have copies produced of any relevant document, paper, or other tangible object in the possession of WCPS and/or Board of Education.
  - d. The Panel does not have the right to issue subpoenas. Upon the finding of a violation as a result of a complaint, the Panel is to provide a copy of the record and written transcript to the Board of Education. The Panel shall report its findings and recommendation for action to the Board of Education which, if it concurs with the Panel, shall take enforcement action in accordance with these regulations.
7. Hearings—Issuance of Final Determination by the Panel
- a. Any final determination resulting from the hearing will include a statement of alleged violation, written findings of fact, a conclusion of law, and recommendations.
  - b. The recommendation to the Board of Education may include:
    - (1) That the evidence was inconclusive and the Panel was unable to reach a final determination.
    - (2) That the complaint be dismissed.
    - (3) That a determination was reached that a violation of the Ethics Code had occurred.
    - (4) That certain corrective action be taken.
    - (5) That disciplinary or other appropriate personnel action or termination be taken.

**B. Conflicts of Interest**

- 1. In this section, “qualified relative” means a spouse, parent, child, or sibling.
- 2. In this section, “official” includes a member of the Board of Education, an employee of the school system or the Board of Education, and the Superintendent.
- 3. Participation.
  - a. Except as permitted by Board of Education regulation or in the exercise of an administrative or ministerial duty that does not affect the disposition or decision in the matter, an official may not participate in:
    - (1) Any matter in which, to the knowledge of the official, the official or a qualified relative of the official has an interest; or
    - (2) Any matter in which any of the following is a party:
      - (a) A business entity in which the official has a direct financial interest of which the official may reasonably be expected to know;

- (b) A business entity for which the official or a qualified relative of the official is an officer, director, trustee, partner, or employee;
  - (c) A business entity with which the official or, to the knowledge of the official, a qualified relative of the official is negotiating or has any arrangement concerning prospective employment;
  - (d) A business entity that is a party to an existing contract with the school official or which, to the knowledge of the official, a qualified relative of the official, if the contract reasonably could be expected to result in a conflict between the private interests of the official and the school system or Board of Education duties of the official;
  - (e) An entity, doing business with the Board of Education or school system, in which a direct financial interest is owned by another entity in which the official has a direct financial interest, if the official may be reasonably expected to know of both direct financial interests; or
  - (f) A business entity that:
    - (1) The official knows is a creditor or obligee of the official or a qualified relative of the official with respect to an item of economic value; and
    - (2) As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or qualified relative of the official.
- b. An official who is disqualified from participating under paragraph 3(a) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- (1) The disqualification leaves a body with less than a quorum capable of acting;
  - (2) The disqualified official is required by law to act; or
  - (3) The disqualified official is the only person authorized to act.
- c. The prohibitions of paragraph 3(a) of this subsection do not apply if participation is allowed by opinion of the Ethics Advisory Panel.
- d. A former regulated lobbyist who is or becomes subject to this Ethics Policy as an employee or official may not participate in a case, contract, or other specific matter as an employee or official for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
4. Employment and financial interests.
- a. Except as permitted by regulation of the Board of Education when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official may not:
    - (1) Be employed by or have a financial interest in an entity that is:
      - (a) Subject to the authority of the school system or Board of Education; or

- (b) Negotiating or has entered into a contract with the school system or Board of Education; or
  - (2) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official.
- b. This prohibition does not apply to:
  - (1) An official whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted in accordance with regulations adopted by the Board of Education; or
  - (2) Subject to other provisions of regulation and law, a member of the Board of Education in regard to a financial interest or employment held at the time of the oath of office, if the financial interest or employment:
    - Was disclosed on the financial disclosure statement filed with the certificate of candidacy to be a candidate to be a member of the Board of Education; or
  - (3) Employment or financial interests allowed by opinion of the Panel if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- 5. Post-employment. A former official may not assist or represent any party other than the Board of Education or school system for compensation in a case, contract, or other specific matter involving the Board of Education or the school system if that matter is one in which the former official significantly participated as an official.
- 6. Contingent compensation. An official may not assist or represent a party for contingent compensation in any matter before or involving the Board of Education or the school system.
- 7. Use of prestige of office.
  - a. An official may not intentionally use the prestige of office or public position:
    - (1) For the private gain of that official or the private gain of another; or
    - (2) To influence, except as part of the official duties of the official or as a usual and customary constituent service by a member of the Board of Education without additional compensation, the award of a state or local contract to a specific person.
  - b. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
  - c. This subsection does not prohibit the performance of usual and customary constituent services by a member of the Board of Education without additional compensation.
  - d. An official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- 8. Gifts.
  - a. An official may not solicit any gift.

- b. An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual lobbyist.
- c. An official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:
  - (1) Is doing business with or seeking to do business with the school system or Board of Education unit with which the official is affiliated;
  - (2) Is subject to the authority of the school system or Board of Education;
  - (3) Is a regulated lobbyist with respect to matters within the jurisdiction of the official;
  - (4) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the official; or
  - (5) Is an association, or any entity acting on behalf of an association, that is engaged only in representing counties or municipal corporations.
- d. Notwithstanding any other provisions of paragraph 8, entitled "Gifts," an official is prohibited from accepting a gift:
  - (1) That would tend to impair the impartiality and independence of judgment of the official receiving the gift;
  - (2) Of significant value (\$100.00 or more) that would give the appearance of impairing the impartiality and independent judgment of the official; or
  - (3) Of significant value that the recipient official believes or has reason to believe is designed to impair the impartiality and independent judgment of the official.
- e. Notwithstanding paragraph 8(c), entitled "Gifts," of this section, an official may accept:
  - (1) Meals and beverages consumed in the presence of the donor or sponsoring entity;
  - (2) Ceremonial gifts or awards that have insignificant monetary value;
  - (3) Unsolicited gifts of nominal value that do not exceed \$20.00 in cost or trivial items of informational value;
  - (4) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official at a meeting which is given in return for the participation of the official in a panel or speaking engagement at the meeting;
  - (5) Gifts of tickets or free admission extended to members of the Board of Education to attend a charitable, cultural, or political event, if the purpose of the gift or admission is a courtesy or ceremony extended to the Board of Education;
  - (6) A specific gift or class of gifts which the Panel exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the school system or Board of Education and that the gift is purely personal and private in nature;

- (7) Gifts from a person related by blood or marriage, or any other individual who is a member of the household of the official; or
  - (8) An honorarium for speaking to or participating in a meeting, provided that the offering of the honorarium is in no way related to the school system or Board of Education position of the official.
9. Disclosure of confidential information. Other than in the discharge of his/her official duties, an official or former official may not disclose or use confidential information that the official acquired by reason of the individual's public position or former public position and that is not available to the public for the economic or personal benefit of the official or the economic or personal benefit of another person.

10. Procurement.

An individual or person that employs an individual who assists a school system or Board of Education in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

11. Participating in Personnel Matters.

This administrative regulation may not be construed to permit a Board of Education member to participate in a decision to hire, transfer, promote, sever employment, or otherwise take individual personnel action regarding the Board of Education member's spouse, parent, child, brother, or sister whether or not the family member resides in the Board of Education member's household.

12. Outside Employment.

- a. A Board member or employee engaged in outside employment may not:
  - (1) Benefit from business with the school system or from relationships with students;
  - (2) Represent any party before the school system; or
  - (3) Use confidential information acquired in his or her official school system position for personal benefit or that of another.
- b. Employees with instructional responsibilities shall not tutor any student whom he or she is currently teaching for compensation other than from public funds administered by the school system.

13. Retaliation.

An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics policy, law, or ordinance.

**C. Financial Disclosure — Members of the Board of Education and Candidates to be Members of the Board of Education**

- 1. This section applies to all members of the Board of Education and candidates to be members of the Board of Education.

2. Except as provided in subsection (4) of this section, a member of the Board of Education, candidate to be a member of the Board of Education, or employee shall file the financial disclosure statement required under this subsection:
  - a. On a form provided by the Panel;
  - b. Under oath or affirmation; and
  - c. With the Board of Education Attorney.
3. Deadlines for filing statements.
  - a. An incumbent official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
  - b. An official who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
  - c. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

The statement shall cover:

    - (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
    - (2) The portion of the current calendar year during which the individual held the office.
4. Candidates to be members of the Board of Education.
  - a. Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be a member of the Board of Education shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
  - b. A candidate to be a member of the Board of Education shall file a financial disclosure statement required under this section:
    - (1) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
    - (2) In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
    - (3) In all other years for which a financial disclosure statement is required, on or before April 30.
  - c. A candidate to be a member of the Board of Education shall file the financial disclosure statements required under Section IV of these regulations with the Board of Education Attorney.
  - d. If a financial disclosure statement required to be filed by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the

Board of Election Supervisors, the candidate is deemed to have withdrawn the candidacy.

- e. The Washington County Board of Elections may not accept any certificate of candidacy unless a financial disclosure statement required under this section has been filed in proper form.
  - f. Within thirty (30) days of the receipt of a financial disclosure statement required under this section, the Washington County Board of Elections shall forward the statement to the Board of Education Attorney.
5. Public record.
- a. The Board of Education Attorney shall make a certified copy of a financial disclosure statement available during normal office hours for examination. Upon examination, a certified copy will be provided to a member of the public, subject to reasonable fees and administrative procedures established by the Panel or the Board of Education.
  - b. The Board of Education Attorney shall make a certified copy of a financial disclosure statement available during normal office hours for examination by the public.
  - c. If an individual examines a financial disclosure statement, the Board of Education Attorney shall record:
    - (1) The name and home address of the individual reviewing the statement; and
    - (2) The name of the person whose financial disclosure statement was examined.
  - d. The Board of Education Attorney shall provide notice as soon as possible or within ten (10) working days of the date of the disclosure of a financial statement to the individual whose financial statement was disclosed. The notice is to include the name and home address of the person who reviewed the individual's financial disclosure statement.
  - e. For statements filed after January 1, 2019, the Board of Education Attorney may not provide public access to an individual's home address that the individual has designated as the individual's home address.
  - f. The Board or office designated by the Board shall not provide public access to information related to consideration received from:
    - a. The University of Maryland Medical System;
    - b. A governmental entity of the state or a local government in the state; or
    - c. A quasi-governmental entity of the state or local government of the state.
6. Retention requirements. The Board of Education Attorney shall retain financial disclosure statements for four (4) years from the date of receipt. After the four (4) years expires, such records may be disposed of in a confidential manner.
7. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
8. Contents of statement.
- a. Interests in real property.

- (1) A statement filed under this section shall include a schedule of **all interests in real property wherever located**.
- (2) For each interest in real property, the schedule shall include:
  - (a) The nature of the property and the location by street address, mailing address, or legal description of the property;
  - (b) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
  - (c) The date when, the manner in which, and the identity of the person from whom the interest was acquired;
  - (d) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
  - (e) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
  - (f) The identity of any other person with an interest in the property.

b. Interests in corporations and partnerships.

- (1) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the school system or Board of Education.
- (2) For each interest reported under this paragraph, the schedule shall include:
  - (a) The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
  - (b) The nature and amount of the interest held, including any conditions and encumbrances on the interest;
  - (c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
  - (d) With respect to any interest acquired during the reporting period:
    - (e) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
    - (f) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (3) An individual may satisfy the requirement to report the amount of the interest held under item (2)(b) of this paragraph by reporting, instead a dollar amount:

- (a) For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
  - (b) For an equity interest in a partnership, the percentage of equity interest held.
- c. Interests in business entities doing business with the school system or Board of Education.
  - (1) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the school system or Board of Education, other than interests reported under paragraph (b) of this subsection.
  - (2) For each interest reported under this paragraph, the schedule shall include:
    - (a) The name and address of the principal office of the business entity;
    - (b) The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
    - (c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
    - (d) With respect to any interest acquired during the reporting period:
      - (1) The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
      - (2) The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- d. Gifts.
  - (1) A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the school system or Board of Education or from an association or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
  - (2) For each gift reported, the schedule shall include:
    - (a) A description of the nature and value of the gift; and
    - (b) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- e. Employment with or interests in entities doing business with the school system or Board of Education.
  - (1) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the

immediate family of the individual held at any time during the reporting period with entities doing business with the school system or Board of Education.

- (2) For each position reported under this paragraph, the schedule shall include:
  - (a) The name and address of the principal office of the business entity;
  - (b) The title and nature of the office, directorship, or salaried employment held, and the date it commenced; and
  - (c) The name of each school system or Board of Education unit with which the entity is involved.
- f. Indebtedness to entities doing business with or regulated by the individual's school system unit or department.
  - (1) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with or regulated by the individual's school system unit or department owed at any time during the reporting period:
    - (a) By the individual; or
    - (b) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
  - (2) For each liability reported under this paragraph, the schedule shall include:
    - (a) The identity of the person to whom the liability was owed and the date the liability was incurred;
    - (b) The amount of the liability owed as of the end of the reporting period;
    - (c) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
    - (d) The security given, if any, for the liability.
- g. Employment with the school system or Board of Education. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the school system or Board of Education in any capacity at any time during the reporting period.
- h. Sources of earned income.
  - (1) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income at any time during the reporting period.
  - (2) A minor child's employment or business ownership need not be disclosed if the school system or Board of Education does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.

- (3) For a statement filed on or after January 1, 2018, if the individual's spouse is a lobbyist regulated by the Board of Education, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
  - i. Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.
    - (1) An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
      - (a) The University of Maryland Medical System;
      - (b) A governmental entity of the state or a local government in the state; or
      - (c) A quasi-governmental entity of the state or local government in the state.
    - (2) For each financial or contractual relationship reported in compliance paragraph i above, the schedule shall include:
      - (a) A description of the relationship;
      - (b) The subject matter of the relationship; and
      - (c) The consideration.
  - j. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
9. For the purposes of Section IV.C.8 of these regulations, the following interests are considered to be the interests of the individual making the statement:
    - a. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
    - b. An interest held, at any time during the applicable period, by a:
      - (1) Business entity in which the individual held a ten (10) percent or greater interest;
      - (2) Business entity described in item (1) of this subsection in which the business entity held a twenty-five (25) percent or greater interest;
      - (3) Business entity described in item (2) of this subsection in which the business entity held a fifty (50) percent or greater interest; and
      - (4) Business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a ten (10) percent or greater interest; and
    - c. An interest held by a trust or an estate in which, at any time during the reporting period:
      - (1) The individual held a reversionary interest or was a beneficiary; or
      - (2) If a revocable trust, the individual was a settlor.
  10. The Panel shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
  11. The Panel or Board of Education may take appropriate enforcement action to ensure compliance with this section.

**D. Financial Disclosure — Employees, Appointed Officials, and Elected Officials**

1. The employees, appointed officials, and elected officials set forth in this section are required to file a financial disclosure statement on or before April 30 of each year during which an employee is employed or an official holds office.
  - a. The following employees and officials must complete Financial Disclosure Form A:
    - (1) Elected Board of Education members
    - (2) Newly elected Board of Education members (statement must be filed within fourteen (14) days of being sworn-in as a Board of Education member and by April 30 of each year thereafter)
    - (3) Those seeking to serve as a Board of Education member whether by election or an appointment to a vacant position
    - (4) Superintendent
    - (5) Board of Education Attorney
    - (6) Deputy Superintendent
    - (7) Chief Operating Officer
    - (8) Associate Superintendent for Curriculum and Instruction
    - (9) Supervisor of Purchasing
  - b. The following employees must complete Financial Disclosure Form B:
    - (1) Principals
    - (2) Assistant Principals
    - (3) Any official or employee who has responsibility for preparing, approving, or auditing, or who has the authority to commit the school system to rent, purchase, or lease any of the following items with an aggregate value of \$100,000.00 in any fiscal year:
      - (a) Personal service contracts
      - (b) Specifications for materials, supplies, or equipment
      - (c) Requests for proposals or bids
    - (4) Any official or employee who, acting alone or as a member or an employee of the Board of Education or school system, having decision-making authority or acting as a principal advisor to a person with that authority in making school system or school board policy or exercising quasi-judicial regulatory, licensing, inspecting, or auditing functions.
2. A statement filed under this section shall be filed with the Board of Education Attorney under oath or affirmation.

3. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is under the authority of the Board of Education or the school system, including the name of the donor of the gift and the approximate retail value at the time of receipt.
4. An official or employee shall disclose employment and interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
5. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
6. The Board of Education Attorney shall maintain all disclosure statements filed under this section as public records available for public inspection and copying as provided in Section IV.C.6 of these regulations.

**E. Lobbying**

1. A person shall file a lobbying registration statement with the Board of Education Attorney if the person:
  - a. Personally appears before any school official or employee with the intent to influence that person in performance of the official duties of the official or employee; and
  - b. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$500.00 on food, entertainment, or other gifts for officials and employees of the Board of Education or school system.
2. A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.
3. The registration statement shall identify:
  - a. The registrant;
  - b. Any other person on whose behalf the registrant acts; and
  - c. The subject matter on which the registrant proposes to make appearances specified in subsection (a) of this section.

The registration statement shall cover a defined registration period not to exceed one (1) calendar year.
4. Within thirty (30) days after the end of a calendar year during which a person was registered under this section, the person shall file a report with the Board of Education Attorney disclosing:
  - a. The value, date, and nature of any food, entertainment, or other gift provided to a school official or employee; and
  - b. If a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the identity of the official or employee.

5. The Board of Education Attorney shall maintain the original registrations and reports filed under this section as public records and shall make a certified copy of such a document available for public inspection.

**F. Exemptions and Modifications**

The Ethics Panel or the Board of Education, as appropriate, may grant exemptions and modifications to the provisions of Section IV of these regulations to employees and appointed officials who are not members of the Board of Education when the Panel or Board of Education determines that application of those provisions is not required to preserve the purposes of these regulations and would:

1. Constitute an unreasonable invasion of privacy; and
2. Significantly reduce the availability of qualified persons for public service.

**G. Sanctions**

1. Violation by any official or employee of the provisions of these regulations shall constitute grounds for discipline or personnel action, or removal from office where provided by law, or the policies of the Washington County Board of Education.
2. Persons or business entities found in violation of the lobbying provisions of these regulations shall be publicly identified and subject to other penalties as provided by law. The Board of Education may impose such sanctions as it deems appropriate.
3. A finding of a violation of these regulations by the Board of Education is public information.

Administrative Regulation adopted: October 19, 1983. Amended: November 7, 1988. Reviewed: August 29, 1989. Amended: March 26, 1997. Amended: October 7, 1997. Amended: April 7, 2009. Revised: February 7, 2012. Amended: April 17, 2018. Amended: June 21, 2022.  
Washington County Board of Education